

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

KORVETTA S. GLASPER,

Plaintiff,

vs.

BLACK HAWK COUNTY JAIL and  
MEDICAL DEPARTMENT,

Defendants.

No. 09-CV-2020-LRR

**ORDER**

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The matter before the court is Plaintiff Korvetta S. Glasper's "Motion to Dismiss Without Prejudice" ("Motion") (docket no. 34). On February 16, 2010, Plaintiff filed the Motion. On February 18, 2010, Defendant Black Hawk County Jail filed a Resistance (docket no. 35). That same date, Defendant Medical Department filed a Resistance (docket no. 36).

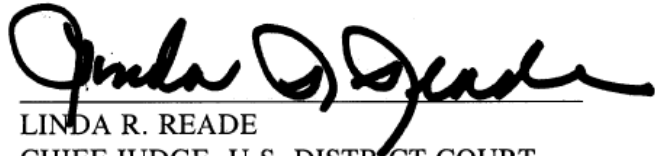
Plaintiff seeks to dismiss the instant action without prejudice based on her acknowledgment that she "failed to exhaust her administrative grievance remedies as required by the Prison Litigation Reform Act of 1999, 42 U.S.C. Section 1997e(a)." Motion at ¶ 2. Because Defendants have filed motions for summary judgment and resist the Motion, Plaintiff may voluntarily dismiss the instant action "only by court order, on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2). For the reasons stated in the Motion, the court finds that the Motion should be granted. In the event Plaintiff re-files her claims, Defendants may rely on the record developed in the instant action and re-file their motions for summary judgment.

In light of the foregoing, the Motion (docket no. 34) is **GRANTED**. The instant action is **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court is **DIRECTED** to **SATISFY THE REMAINING PENDING MOTIONS** (docket nos. 32 & 33) and to

**CLOSE THIS CASE.**

**IT IS SO ORDERED.**

**DATED** this 14th day of April, 2010.

A handwritten signature in black ink, appearing to read "Linda R. Reade", written over a horizontal line.

LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA